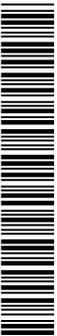


**AMENDMENT TO H.R. 1, AS REPORTED**  
**OFFERED BY MR. BOEHNER OF OHIO**  
**(Floor Manager's Amendment)**

In section 1003(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 103 of the bill, strike “1116(c)” and insert “1116(b)”.

In section 1003(e) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 103 of the bill, strike “amount of State funds” and all that follows through “the preceding fiscal year” and inserting the following: “amount of funds each local educational agency receives under subpart 2 below the amount received by such agency under such subpart in the preceding fiscal year”.

In section 1111 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 104 of the bill, add at the end the following:



1       “(j) SPECIAL RULE WITH RESPECT TO BUREAU  
2 FUNDED SCHOOLS.—In determining the assessments to  
3 be used by each Bureau funded school receiving funds  
4 under this part, the following shall apply:

1           “(1) Each Bureau funded school which obtains  
2 accreditation by the State in which it is operating  
3 shall utilize the assessments the State has developed  
4 and implemented to meet the requirements of this  
5 section, or such other appropriate assessment as ap-  
6 proved by the Secretary of the Interior.

7           “(2) Each Bureau funded school which obtains  
8 accreditation by a regional accreditation organiza-  
9 tion shall adopt an appropriate assessment, in con-  
10 sultation and with the approval of the Secretary of  
11 Interior and consistent with assessments adopted by  
12 other schools in the same State or region, that meets  
13 the requirements of this section.

14           “(3) Each Bureau funded school which obtains  
15 accreditation by a tribal accrediting agency or tribal  
16 division of education shall use an assessment devel-  
17 oped by such agency or division, except that the Sec-  
18 retary of Interior shall ensure that such assessment  
19 meets the requirements of this section.

In section 1111(h)(1)(D)(i) of the Elementary and  
Secondary Education Act of 1965, as proposed to be  
amended by section 104 of the bill, strike “subsection  
(b)(4)(F)” and insert “subsection (b)(4)”.

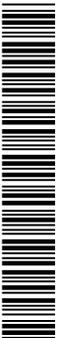


In section 1116 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill, add at the end the following:

1       “(f) TREATMENT OF BUREAU FUNDED SCHOOLS.—  
2 For the purposes of applying the requirements of sub-  
3 section (b) to schools funded by the Bureau of Indian Af-  
4 fairs, the Secretary of Interior shall implement such sub-  
5 section in a manner that treats the appropriate tribe or  
6 tribal organization as a local educational agency for the  
7 purpose of implementing school improvement, corrective  
8 action and restructuring actions. If such tribe or tribal  
9 organization does not take the appropriate action required  
10 under subsection (b), the Secretary shall take such appro-  
11 priate action as required under subsection (b) after final  
12 notice to such tribe or tribal organization.”

In section 1116(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) in paragraph (7)(D), strike “to participate in developing any plan under subparagraph (A)(iii)” and insert “, to the extent practicable, to participate in developing any plan under subparagraph (A)(ii)(III)”;



(2) in the matter preceding subparagraph (A) of paragraph (8)—

(A) insert “(1)(E) for schools described in paragraphs (1)(A)(i),” after “paragraph”; and

(B) insert a comma after “(6)(D)(i)”; and

(3) in paragraph (9)—

(A) insert “(1)(E),” after “paragraph”; and

and

(B) insert a comma after “(6)(D)(i)”.

In section 1116(d)(11) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) strike “paragraph shall” and insert “subsection shall”; and

(2) strike “under this paragraph”.

In section 1118 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 108 of the bill—

(1) in paragraph (12), insert “and” after the semicolon;

(2) in paragraph (13), strike “; and” and insert a period; and

(3) strike paragraph (14).



In section 1221(2)(A) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 111 of the bill, strike “alphabet;” and insert “alphabet and letter sounds;”.

In section 1221(5) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 111 of the bill, strike “care agencies,” and insert “care agencies and programs,”.

In section 1222 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 111 of the bill—

(1) in subsection (b)—

(A) in paragraph (2) insert “or agencies” after “organizations” each place such term appears and insert “or program” after “child care agency”; and

(B) in paragraph (3), insert “or agencies” after “organizations”; and

(2) in subsection (e)—

(A) in paragraph (1)(B)(i), strike “alphabet;” and insert “alphabet and letter sounds;”; and



(B) in paragraph (2)(B), strike “care agencies,” and insert “care agencies or programs,”.

In subpart 2 of part B of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 111 of the bill, amend section 1224 to read as follows:

1 **“SEC. 1224. REPORTING REQUIREMENTS.**

2 “Each eligible applicant receiving a grant under this  
3 subpart shall report annually to the Secretary regarding  
4 the eligible applicant’s progress in addressing the purposes  
5 of this subpart, including information on—

6 “(1) the research-based instruction, materials,  
7 and activities being used in the programs funded  
8 under the grant;

9 “(2) the types of programs funded under the  
10 grant and the ages of children served by such pro-  
11 grams;

12 “(3) the qualifications of the program staff who  
13 provide early literacy instruction under such pro-  
14 grams and the type of ongoing professional develop-  
15 ment provided to such staff; and



1           “(4) the curricula, materials, and activities used  
2           by the programs funded under the grant to support  
3           children’s reading development.

In section 1711(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 171 of the bill—

(1) insert “subpart 1 of” before “part A of title V”; and

(2) strike “5212(2)(A)” and insert “5212(a)(2)(A)”.

In section 2012(e) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 201 of the bill, strike paragraph (12) and insert the following:

4           “(12) Developing, or assisting local educational  
5           agencies in developing, teacher advancement initia-  
6           tives that promote professional growth and empha-  
7           size multiple career paths (such as career teacher,  
8           mentor teacher, and master teacher) and pay dif-  
9           ferentiation.

In section 2031(a) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by





1           “(16) programs to establish or enhance pre-  
2           kindergarten programs for children ages 3 through  
3           5; and

4           “(17) academic intervention programs that are  
5           operated jointly with community-based organizations  
6           and that support academic enrichment and coun-  
7           seling programs conducted during the school day  
8           (including during extended school day or extended  
9           school year programs) for students most-at-risk of  
10          not meeting challenging State academic standards or  
11          not completing secondary school.

In section 4201(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 411 of the bill, insert “academic” before “achievement”.

In section 5122(a)(3) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, insert “students who attend” after “target”.

In section 5124 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill—

(1) in subsection (a), strike paragraph (3);



(2) in subsection (c)(1), insert “(including summer school programs)” after “school activities”; and

(3) in subsection (d), insert “, during the summer,” after “after school”.

In section 5151(4)(B) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, insert “and harassment” after “weapons”.

In section 5202(5) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, insert “to training” after “constant access”.

In section 5213(b)(4)(A) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, strike “that” before “ongoing” and insert a comma before “so that”.

In section 5214(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill—

(1) in paragraph (5), insert “(including software and other electronically delivered learning materials)” after “will integrate technology”; and



(2) in paragraph (10)(B)—

(A) strike “an assurance that” and insert “a description of how”; and

(B) strike “have compatibility and interconnectivity with technology obtained” and insert “be integrated”.

In section 5215(a)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, insert a comma after “reduced-cost loans”.

In section 5232 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, strike “**TELECOMMUNICATIONS PROGRAM**” in the section heading and insert “**READY TO TEACH**”.

In title VI of the bill, insert after section 602 the following:

1 **SEC. 603. ELIGIBILITY UNDER SECTION 8003 FOR CERTAIN**  
2 **HEAVILY IMPACTED LOCAL EDUCATIONAL**  
3 **AGENCIES.**

4 (a) **ELIGIBILITY.**—Section 8003(b)(2)(C) (20 U.S.C.  
5 7703(b)(2)(C)) is amended—



1 (1) in clauses (i) and (ii) by inserting after  
2 “Federal military installation” each place it appears  
3 the following: “(or if the agency is a qualified local  
4 educational agency as described in clause (iv))”; and  
5 (2) by adding at the end the following:

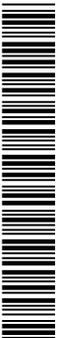
6 “(iv) QUALIFIED LOCAL EDU-  
7 CATIONAL AGENCY.—A qualified local edu-  
8 cational agency described in this clause is  
9 an agency that meets the following require-  
10 ments:

11 “(I) The boundaries of the agen-  
12 cy are the same as island property  
13 designated by the Secretary of the In-  
14 terior to be property that is held in  
15 trust by the Federal Government.

16 “(II) The agency has no taxing  
17 authority.

18 “(III) The agency received a pay-  
19 ment under paragraph (1) for fiscal  
20 year 2001.”.

21 (b) EFFECTIVE DATE.—The Secretary shall consider  
22 an application for a payment under section 8003(b)(2) for  
23 fiscal year 2002 from a qualified local educational agency  
24 described in section 8003(b)(2)(C)(iv), as added by sub-  
25 section (a), as meeting the requirements of section

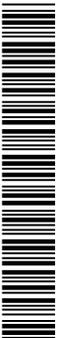


1 8003(b)(2)(C)(iii), and shall provide a payment under sec-  
2 tion 8003(b)(2) for fiscal year 2002, if the agency submits  
3 to the Secretary an application for payment under such  
4 section not later than 60 days after the date of the enact-  
5 ment of this Act.

In section 7203(b)(2)(C) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by such section 701 of the bill, strike “Part A of title V or section 5212(2)(A)” and insert “Subpart 1 of part A of title V or section 5212(a)(2)(A)”.

In section 8305(a) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 801 of the bill, strike “Governor and” and add at the end the following: “The State educational agency shall make any consolidated local plans and applications available to the Governor.”.

In section 8305(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 801 of the bill, strike “A Governor and State educational agency” and insert “A State educational agency, in consultation with the Governor,”.



In part E of title VIII of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 801 of the bill—

(1) in section 8516, insert “**ON DEPARTMENT AUDITS**” after “**REPORT**” in the section heading; and

(2) after section 8516, insert the following (and redesignate succeeding provisions, and cross-references thereto, accordingly):

1 **“SEC. 8517. STUDY OF TESTING.**

2 “(a) IN GENERAL.—The Secretary shall provide for  
3 a study of the effects of testing on students in elementary  
4 and secondary schools. Such study may include—

5 “(1) overall improvement or decline in what  
6 students are learning based on independent meas-  
7 ures;

8 “(2) changes in course offerings, teaching prac-  
9 tices, course content, and instructional material;

10 “(3) changes in rates of teacher and adminis-  
11 trator turnover;

12 “(4) changes in dropout, grade retention and  
13 graduation rates for students;

14 “(5) costs of preparing for, conducting and  
15 grading the assessments in terms of dollars ex-



1           pended by the school district and time expended by  
2           students and teachers; and

3                   “(6) such other effects as the Secretary may  
4           deem appropriate.

5           “(b) REPORT.—Not later than 2 years after the date  
6 of enactment of the No Child Left Behind Act of 2001,  
7 the Secretary shall transmit to the Committee on Edu-  
8 cation and the Workforce of the House of Representatives  
9 and the Committee on Health, Education, Labor and Pen-  
10 sions of the Senate a report on the study conducted under  
11 subsection (a).

12           “(c) SUBSEQUENT CONGRESSIONAL CONSIDER-  
13 ATION.—After receipt of the report described in subsection  
14 (b), Congress may consider whether it is appropriate to  
15 enact legislation to mitigate any negative effects on stu-  
16 dents in elementary or secondary schools caused by test-  
17 ing.

